

REMARKS

STATUS OF THE CLAIMS

Claims 1-25 are pending in the application. Claims 1-14 are canceled in the present amendment, and new claims 15-25 are added. Reconsideration and allowance of all of the pending claims is respectfully requested.

This amendment does not add new matter to the application. New claim 15 is supported, for example, in Example 1 of the present specification. New claim 16 finds support, for example, in the specification at page 14, lines 9-11, and lines 17-20. Claim 17 finds support, for example, in Examples 1 and 5 of the present specification. New claim 18 finds support, for example, at page 7, lines 11-22 of the specification.

New claims 19, 20, and 22 correspond to canceled claims 12, 13, and 14, respectively. New claim 21 finds support, for example, at page 16, lines 12-13. New claim 23 finds support at page 16, lines 14-23 of the present specification. New claim 24, finds support, for example, at page 16, lines 9-12 of the specification. New claim 25 finds support from page 16, last line, to page 17, line 5, of the specification.

Accordingly, entry of this amendment is respectfully requested.

CLAIM REJECTIONS - 35 U.S.C. §102/§103

At page 2 of the Office Action, claims 1-14 are rejected under 35 U.S.C. §102, as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Takamatsu et al. (JP Publ. No. 57-145103). For the following reasons, this rejection is respectfully traversed.

The present claims are directed to a hydrocarbon polymer composition which includes a polyolefin-based resin and/or a polyolefin-based rubber, and a modifier for a hydrocarbon polymer which comprises as an active component, a modified cyclic structure containing conjugated diene polymer. The polymer composition of the present invention provides the advantages of forming a molding with good adhesion properties. The polymer composition of the present invention shows, in particular, good adhesion to the covering material and the adhesive.

Takamatsu discloses a modified cyclic structure-containing conjugated diene polymer. The compositions of Takamatsu, however, are disclosed merely as compounds which are suitable for printing ink, covering material, coating material, and the like. Takamatsu does not disclose a hydrocarbon polymer composition comprising a polyolefin-based resin or/and a polyolefin—based rubber along with a modified cyclic structure-containing conjugated diene polymer.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP §2131. Since Takamatsu does not disclose a hydrocarbon polyolefin-based resin and/or a polyolefin-based rubber along with a modified cyclic structure containing conjugated diene polymer, Takamatsu

does not disclose all of the elements of the present claims, and therefore does not anticipate the present invention.

The Examiner also asserts that even if the disclosure of Takamatsu does not satisfy the requirements of §102, one skilled in the art would have expected the claimed compositions to have similar characteristics, since the claimed characteristics are inherent to the compositions of Takamatsu. See Office Action, paragraph 6.

"A rejection under 35 U.S.C. 102/103 can be made when the prior art product seems to be identical except that the prior art is silent as to an inherent characteristic." MPEP §2112. However the present invention is not identical with that disclosed in the Takamatsu Abstract. As discussed above, Takamatsu does not disclose all of the elements of the presently claimed invention. Takamatsu does not disclose a polyolefin-based resin and/or a polyolefin-based rubber used along with a modified cyclic structure containing conjugated diene polymer. The present claims do not define an invention which is identical, or which seems to be identical, with that described in the Takamatsu Abstract. The presently claimed invention falls outside of the disclosure of Takamatsu. Therefore, there can be no inherent disclosure of the invention as presently claimed.

Takamatsu does not disclose modifying a polyolefin-based resin and/or a polyolefin-based rubber with an active component which comprises a modified cyclic structure containing a conjugated diene polymer. Takamatsu also does not disclose improving the adhesive properties of a molding composition with the presently claimed compositions. Furthermore, Takamatsu

does not disclose polymer compositions that are compatible with a polyolefin-based resin and/or a polyolefin-based rubber.

The present invention is therefore not rendered unpatentable under 35 U.S.C. §102/§103. Accordingly, it is respectfully requested that this rejection be withdrawn.

CONCLUSION

Entry of the above amendments is earnestly solicited. An early and favorable first action on the merits is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact J. Mark Konieczny (Reg. No. 47,715) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Application No. 10/509,022
Amendment dated September 13, 2005
Reply to Office Action of June 13, 2005
Page 9

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Respectfully submitted,

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